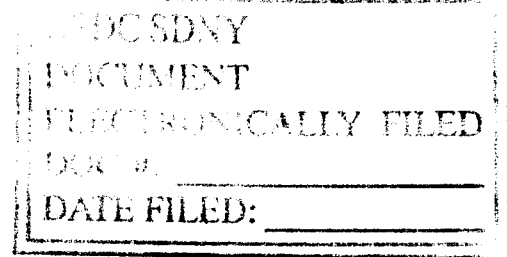


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MELINDA THEW COOPER, individually and
as a shareholder of Taconic 82, Inc.,

Plaintiff,

04 Civ. 8928 (CM)(LMS)

-against-

LARRY THEW, JOHN THEW, et al.,

Defendants.
_____X

ORDER LIFTING STAY, DENYING ALL PENDING MOTIONS TO DISMISS,
SETTING SCHEDULE AND EXPEDITING DISCOVERY

McMahon, J.:

On May 4, 2005, this Court stayed this action so that proceedings in the Dutchess County Surrogate's Court relating to the Estate of Gerald R. Thew and an interpleader action that the Court was told either had been or was being filed in the New York State Supreme Court could run their course.

Having heard nothing from the parties, the Court made inquiry and was advised by counsel for both sides that nothing is going on in any State Court and that nothing has gone on in State court for a very long time.

The court-imposed stay of this action is hereby lifted, effective immediately.

All Defendants' motions to dismiss, or in the alternative for pre-discovery summary judgment, are denied. The Clerk should remove these motions from the court's pending motions docket.

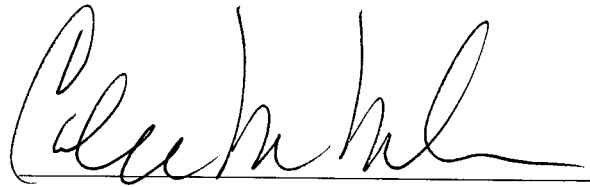
The parties have 60 days to complete all discovery, which shall be handled on an expedited basis. This means that the deadlines ordinarily imposed by the Federal Rules of Civil Procedure are waived. Any notice to produce or deposition shall be handled on three days notice. Magistrate Judge Smith will be available to resolve any discovery disputes that may arise in accordance with the White Plains Magistrate Judges' Standing Order on Discovery Disputes. The court WILL NOT EXTEND THIS DEADLINE FOR ANY REASON, including the conduct of settlement negotiations or other matters on counsel's calendar, whether personal or professional. The parties have had more than ample time to resolve their differences, and more than ample

time to litigate them in the State courts. They have failed to do so. I am now going to get this matter off my docket. If counsel who have filed appearances believe they cannot handle this matter on the court's expedited timetable, their clients should immediately obtain new counsel who can get the case ready for trial by July. Magistrate Judge Smith is NOT authorized to extend the discovery deadline for any reason.

The Joint Pre-Trial Order and all other documents required by my Individual Rules must be filed by July 6, 2007. THERE WILL BE NO EXTENSION OF THIS DEADLINE FOR ANY REASON. If the parties fail to file a JOINT Pre-Trial Order in accordance with my rules, I will ask Magistrate Judge Smith to conduct a hearing to ascertain which party is at fault. If it is the plaintiff, this action will be dismissed for failure to prosecute. If it is one or more of the defendants, the court will enter an appropriate preclusion order resolving issues against the problematic defendants.

Do not send me any letters or ask for any conferences to try to get me to change my mind about the terms of this order, or to extend deadlines. Do not bother seeking reconsideration of the motions that have been denied, because I will not reconsider any dispositive motions. Do not seek postponement of the filing date for the Final Pre-Trial Order on the ground that you want to make another dispositive motion. I stayed my hand for two years so that the parties could get the relevant matters of state law resolved in state courts. I am now advised that nothing has happened in the interpleader action, the pendency of which induced me to enter the stay in the first place. Plaintiff, who has the burden of proof, wanted to be in federal court, so this case is now on the "rocket docket." It will not come off the "rocket docket" until either there is a verdict or I sign a stipulation of settlement or discontinuance.

Dated: April 26, 2007



U.S.D.J.

BY FAX TO ALL COUNSEL
BY HAND TO CHIEF MAGISTRATE JUDGE SMITH